

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 MCT-01 SY-05 USSS-00 L-03 PA-02
ICA-20 CIAE-00 INR-10 NSAE-00 JUSE-00 /054 W
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R 091700Z JUN 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 6975
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
AMCONSUL STUTTGART
USMISSION USNATO

UNCLAS SECTION 1 OF 2 USBERLIN 1353

E.O.11652: NA
TAGS: PGOV, AKB, BQG
SUBJECT: TRIAL OF 2 JUNE MOVEMENT TERRORISTS: HIATUS ACTIVITY
1-9 JUNE

REF: (A) USBERLIN 1253, (B) USBERLIN 1232 (NOTAL), (C) USBERLIN
1239, (D) USBERLIN 1288

SUMMARY: DURING BREAK SINCE LAST SESSION ON 31 MAY MORE COURT
APPOINTED DEFENSE COUNSELS HAVE SOUGHT RELIEF FROM THEIR APPOINT-
MENT, A DEFENSE COUNSEL HAS BEEN ARRESTED IN CONNECTION WITH
THE 27 MAY TILL MEYER ESCAPE FROM PRISON AND AN ATTEMPT TO EX-
CLUDE FROM THE TRIAL ANOTHER DEFENSE COUNSEL ON THE SAME GROUNDS
WAS DENIED. ALL COURT APPOINTED DEFENSE COUNSELS WILL EXAMINE
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THEIR FUTURE PARTICIPATION IN TRIAL. THE RISK THAT THE
TRIAL WILL BE FRUSTRATED CONTINUES TO GROW. END
SUMMARY.

1. SEVERAL COURT APPOINTED DEFENSE COUNSELS (PFLICHT-
VERTEIDIGER) HAVE APPLIED FOR RELIEF FROM THEIR APPOINT-
MENT IN THE LAST SEVERAL DAYS. THESE INCLUDE WOLFGANG

SCHALLHOEFER, WNER GUIORS DORZ, AND DIETMAR HOHLA.
HOHLA COUNSEL FOR RONALD RITZSCH, WAS ONE OF THE TWO
DEFENSE COUNSELS WHO SUFFERED A TERRORIST ATTACK SHORTLY
AFTER MEYER'S ESCAPE.

2. IN A RELATED DEVELOPMENT THE ASSOCIATION OF BERLIN
ATTORNEYS FOR THE DEFENSE HAVE URGED DEFENSE COUNSELS
IN THE TRIAL NOT TO BE SO CLOSELY ALIGNED WITH THE VIEWS
AND OBJECTIVES OF THEIR CLIENTS. SIX OF THE DEFENSE
COUNSELS IN THE TRIAL RESPONDED BY SIGNED DECLARATION
THAT THEY WERE BOUND TO AID THEIR CLIENTS IN EVERY WAY.
NOT SURPRISINGLY THESE SIX WERE EITHER WAHL-OR VER-
TRAUENVERTEIDIGER (VERTRAUENVERTEIDIGER IS THE TERM
COINED TO DESCRIBE DEFENSE COUNSEL CHOSEN BY THE ACCUSED
BUT APPOINTED AND PAID BY THE COURT). THEY WERE BECKER,
REME, SCHENDIENST, WIELAND, PORTUIS AND VENEDY.

3. THE BERLIN PRESS HAS REPORTED THAT ALL OTHER PFLICHT-
VERTEIDIGER WILL SOON REACH A DECISION WHETHER TO
CONTINUE PARTICIPATION IN THE TRIAL. THEIR RE-
FUSAL TO CONTINUE WOULD PROVIDE THE WAHL-AND
VERTRAUENVERTEIDIGER AND THE ACCUSED A PERFECT OPPORT-
UNITY TO BRING THE TRIAL TO A HALT.

4. BERLIN PRESS ALSO REPORTED THAT MUELLERHOF, FORMERLY
VERTRAUENVERTEIDIGER FOR TILL MEYER AND WHO HAD BEEN
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ARRESTED (AND RELEASED THE SAME DAY) IN CONNECTION WITH
MEYER'S BREAKOUT, WAS AGAIN ARRESTED AFTER A SEARCH OF
HIS OFFICE BY POLICE ON THE BASIS OF A WARRANT ISSUED
2 JUNE. THE PUBLIC PROSECUTOR HAS NOT YET REVEALED
DETAILS OF THE ACCUSATIONS AGAINST MUELLERHOF.
HELMAR GUMPRECHT, LAWYER AND PARTNER OF MUELLERHOF,
STATED THAT A FALSIFIED AUTHORIZATION (FOR ATTENDING
A TRIAL) WHICH THE WOMEN FREEING MEYER HAD LOST IN THE
PRISON AND WHICH CARRIED THE NAME OF ONE OF MUELLERHOF'S
CLIENTS, WAS THE PRIMARY REASON FOR MUELLERHOF'S ARREST.
AN EXPERT HAD ALLEGEDLY IDENTIFIED THE SIGNATURE ON THE
AUTHORIZATION AS THE HANDWRITING OF INGE VIETT, ONE OF
THE WANTED TERRORISTS.

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5. ON 8 JUNE THE 2ND PENAL SENAT OF THE KAMMERGEICHT REJECTED THE MOTION OF THE FEDERAL PROSECUTOR FOR EXCLUSION OF WAHLVERTEIDIGER BECKER FROM THE TRIAL. AT THE SESSION, HELD IN CAMERA, BECKER WAS DEFENDED BY SCHMIDT-LEICHNER, A FRANKFURT LAWYER. NOW WITNESSES WERE HEARD REGARDING THE ACCUSATION THAT BECKER PARTICIPATED OR ASSISTED IN THE FORCIBLE FREEING OF MEYER ON 27 MAY. THE COURT CAME TO THE CONCLUSION THAT NO FACTS WERE PRODUCED THAT WOULD JUSTIFY THE SERIOUS MEASURE OF EXCLUSION.

6. IN THE MEANTIME THE FEDERAL PROSECUTOR HAS FILED A MOTION FOR THE EXCLUSION FORM THE TRIAL OF INGRID LOSTOETER, COUNSEL FOR GERALD KLOEPPER. BASIS FOR MOTION
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HAS NOT YET BEEN MADE PUBLIC.

7. PRESS HAS CONTAINED SEVERAL REPORTS THAT TRIAL MAY RESUME WEEK OF 12 JUNE, ALTHOUGH EARLIER REPORT HAD TRIAL RESUMING 27 JUNE.

8. COMMENT: THE STORM CLOUDS OVER THE TRIAL GROW DARKER AND DARKER. THE PFLICHTVERTEIDIGER WHO RECENTLY

APPLIED FOR RELIEF FROM THEIR APPOINTMENTS POINTED TO THE RECENT ATTACKS ON THE TWO PBLICHTVERTEIDIGER ASSOCIATED WITH THE TRIAL. THEIR LIVES AND WELFARE ARE CLEARLY AT RISK AND PAST EVIDENCE WOULD DEMONSTRATE THAT NO DEGREE OF POLICE PROTECTION CAN ENSURE THEIR SAFETY FROM A TERRORIST ATTACK IF THE TERRORISTS DECIDE TO TARGET THEM. IN THAT CONTEXT THE PRESIDING JUDGE HAS A MONUMENTAL DECISION TO MAKE. IF HE RELEASES THEM AND APPOINTS OTHERS, IT WILL DELAY THE TRIAL AND EXPOSE THE NEW PFLICHTVERTEIDIGER TO THE SAME (OR GREATER) JEOPARDY. IF HE RELEASES THEM AND APPOINTS NO REPLACEMENTS, THE PROBABILITY WILL APPROACH CERTAINTY THAT THE TRIAL WILL BE SUCCESSFULLY FRUSTRATED BY THE COMBINED FORCES OF THE WAHL-AND VERTRAUENVERTEIDIGER AND THE ACCUSED. THEIR BEST PLOY WOULD BE SIMPLY TO REFUSE TO CONTINUE WITH THE TRIAL. THUS, THE PRESIDING JUDGE WILL HAVE TO WEIGH: HIS LEGAL DUTY TO DO WHAT IS IN HIS POWER TO BRING THE TRIAL TO AN EFFECTIVE CONCLUSION AND THE CLEAR DANGER WHICH CONFRONTS ANY DEFENSE COUNSEL HE APPOINTS WHO IS NOT AT THE SAME TIME A CONFIDANT OF THE ACCUSED. GEORGE

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Disposition Event:
Disposition History: n/a
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